

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

HARRY SMITH, JR., and ROSLYN )  
WOODARD SMITH, individually and as )  
Administrators of the ESTATE OF HARRY )  
SMITH, III )

Plaintiffs, )

v. )

C.A. No. 04-1254-GMS

CITY OF WILMINGTON, JOHN )  
CIRITELLA, THOMAS DEMPSEY and )  
MATTHEW KURTEN, )

Defendants. )

**NOTICE OF DEPOSITION OF ELBERT WATERS**

TO: Kester I.H. Crosse, Esquire  
Williams & Crosse  
1214 King Street, Suite 300  
Wilmington, DE 19801

Anne T. Sulton, Esquire  
Post Office Box 2763  
Olympia, WA 98507

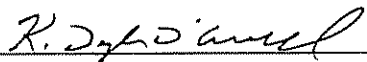
PLEASE TAKE NOTICE that the Defendants will take the deposition upon oral examination of Elbert Waters, pursuant to Federal Rule of Civil Procedure 30, at the offices of Alpha Reporting, 236 Adams Ave., Memphis, Tennessee 38103, on Thursday, September 14, 2006 at 9:00 A.M. CDT.

The deposition testimony will be recorded stenographically and by videotape. You are invited to attend and examine the witness.

OF COUNSEL:

Rosamaria Tassone  
City of Wilmington Law Department  
City/County Building, 9th Floor  
800 N. French Street  
Wilmington, Delaware 19801  
302-576-2175

Dated: September 7, 2006

  
\_\_\_\_\_  
John A. Parkins, Jr. (#859)  
K. Tyler O'Connell (#4514)  
Richards, Layton & Finger  
One Rodney Square  
P. O. Box 551  
Wilmington, Delaware 19899  
302-651-7700  
Parkins@rlf.com  
OConnell@rlf.com  
Attorneys for Defendants

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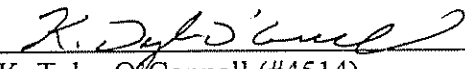
**CERTIFICATE OF SERVICE**

I hereby certify that on September 7, 2006, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing(s) and Hand Delivered to the following:

Kester I.H. Crosse, Esquire  
Williams & Crosse  
1214 King Street  
Suite 300  
Wilmington, DE 19801

I hereby certify that on September 7, 2006, I have sent by U.S. Regular Mail, the foregoing document to the following non-registered participants:

Anne T. Sulton, Esquire  
Post Office Box 2763  
Olympia, WA 98507

  
K. Tyler O'Connell (#4514)  
Richards, Layton & Finger, P.A.  
One Rodney Square  
P.O. Box 551  
Wilmington, Delaware 19899  
(302) 651-7700  
OConnell@rlf.com